

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-305-C - ORDER NO. 90-870 ✓
SEPTEMBER 17, 1990

IN RE: Proceeding to consider allowing local) ORDER DENYING
and intraLATA "0+" collect authority) MOTION TO
for COCOT providers serving) DISMISS
confinement facilities.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a tariff filing on February 26, 1990, on behalf of Southern Bell Telephone and Telegraph Company (Bell) wherein Bell filed for approval of certain revisions to its Access Service Tariff. The purpose of the revisions was to allow for billing and collection services to clearinghouse agents for calls billed on behalf of properly certified Customer Owned Coin Operated Telephone (COCOT) providers.

Thereafter, a Petition to Intervene was filed on behalf of Coin Telephones, Inc. (Coin); Pay Tel Communications, Inc. (Pay Tel); and Intellicall, Inc. (Intellicall). The matter was duly scheduled for a hearing to commence May 8, 1990.

On April 25, 1990, Bell filed a request to withdraw its tariff filing in this docket. The Intervenors filed a Petition to Disallow the Withdrawal of the proposed tariff revisions. On May 2, 1990, by its Order No. 90-505, the Commission determined that Bell should be allowed to withdraw its proposed tariff in this

matter and that the Intervention should be considered a request to initiate a proceeding to require Bell to provide billing and collection services for intraLATA calls placed at COCOT locations and to consider other related COCOT requests.

On July 10, 1990, the Commision issued its Order No. 90-663, wherein the Commission determined that COCOT providers do not have the authority to carry "0+" collect local and intraLATA traffic. Additionally, the Commission determined that a new proceeding should be initiated to consider whether such authority should be allowed for COCOT providers serving confinement facilities. The Commission further ruled that should it determine that COCOT providers be allowed to provide this service, that hearing would also serve as the certification proceeding for Pay Tel and Coin.

On July 19, 1990, Telink Telephone System, Inc. (Telink) filed a Petition to Intervene requesting permission to intervene and be made a party to this proceeding. Telink asserted that by the terms of Commission Order No. 90-663, the Commission, in scheduling the proceeding to determine the question of whether COCOT's providing service to confinement facilities should be authorized to provide "0+" intraLATA and local collect operator assisted calls, recognized its significance to Telink by specifically holding in abeyance any decision on Telink's application in Docket No. 89-550-C to be authorized to provide these services to confinement facilities. By Order No. 90-755, Telink was granted permission to intervene out of time in the instant proceeding.

On August 24, 1990, Bell filed a Motion to Dismiss Due to Lack of Public Notice alleging that there has been no public notice

given, as required by South Carolina Code of Laws, Administrative Procedures Act, (APA), Section 1-23-310, et seq., and that the scope of this docket has been expanded, in essence, to a request for statewide certification by COCOT's to function as Alternative Operator Service (AOS) providers. This lack of notice, Bell contends, is a fatal procedural defect which requires that the instant action be dismissed and that the COCOT's be required to comply with the filing requirements for a certificate of public convenience and necessity as set out in Title 58 of the Code.

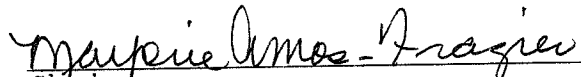
Thereafter, on August 29, 1990, Coin, Pay Tel, and Intellicall filed a Motion for a Continuance and Motion for Publication to all Interested parties, requesting that the Commission continue the hearing in order to allow for the publication of the hearing date and issues involved. By its Order No. 90-871, the Commission found further and additional public notice advisable to fully inform all possible interested parties of the date of the hearing and the issues to be decided, and ordered the hearing continued and a Notice of Proceeding be published.

After consideration of the record in this matter, the Commission has determined that, though Bell's Motion to Dismiss is not without some merit, it should be denied. Bell itself initiated the establishment of this docket by its filing on February 26, 1990. Public notice of that filing and its scheduled hearing was completed as of March 14, 1990, as attested by Bell's counsel. As a result of that notice, the Petition to Intervene by Coin, Pay Tel and Intellicall was filed. Therefore, public notice in compliance with Code Section 1-23-320 was initially given.

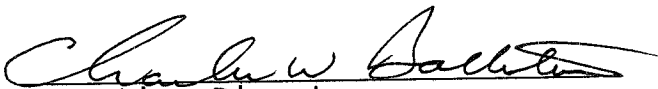
That initial application has been substantially changed by the course of events. Yet this change does not mandate that the instant docket should be dismissed. Indeed, such an action would result in a wasteful duplication of the Commission's time and effort since the parties would merely return to the Commission almost immediately to obtain the determination of the same issues now pending. As long ago as July 10, 1990, when the Commission issued its Order No. 90-663, the parties herein became aware that issues relating to the certification of the COCOT providers would be considered in the instant proceeding. In addition, by our Order No. 90-871, supra., we have acknowledged that though additional public notice is advisable to assure that all possible interested parties be advised of this proceeding, this end can be most expeditiously effected by a postponement of the hearing for a period of time necessary to allow the publication of a Notice of Proceeding. The intent of the notice requirements of Title 58 will have been met.

IT IS THEREFORE ORDERED that Bell's Motion to Dismiss Due to Lack of Public Notice is Denied.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)